

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte IRWIN GERSZBERG,  
JESSE EUGENE RUSSELL,  
and ROBERT EDWARD SCHROEDER

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**MAILED**

**FEB 10 2003**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Appeal No. 2001-0662  
Application 08/868,407<sup>1</sup>

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ON BRIEF

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Before KRASS, BARRETT, and BARRY, Administrative Patent Judges.  
BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1-26.

We affirm-in-part.

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<sup>1</sup> Application for patent filed June 3, 1997, entitled "Method and System for Providing Access to a Telecommunications Network."

BACKGROUND

The invention relates to method and system for rapidly establishing a telephone connection through a public switched telephone network (PSTN) as may be understood from claim 1, reproduced below.

1. A method for connecting a call through a telecommunications network, the method comprising the steps of:

receiving a request for a call at a base station from a wireless station;

accessing a database at the base station containing dialing instructions for the wireless station for a rapidly-established telephone connection through a public switched telephone network to a destination station; and

dialing a call for a rapidly-established telephone connection through the public switched telephone network to the destination station based on the dialing instructions for the wireless station.

The examiner relies on the following reference:

Widmark et al. (Widmark)      5,504,804      April 2, 1996

Claims 1-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Widmark.

We refer to the final rejection (Paper No. 7) (pages referred to as "FR\_\_") and the examiner's answer (Paper No. 12) for a statement of the examiner's rejection, and to the appeal brief (Paper No. 11) (pages referred to as "Br\_\_") for a statement of appellants' arguments thereagainst.

OPINION

Grouping of claims

Appellants state in the Grouping of Claims that they "consider claim 1-26 to comprise a single group that stands and falls together" (Br4). However, the Arguments section of the brief separately argues all claims except claims 4, 9, 13, 17, 20, and 23. Thus, the examiner's statement that "Appellant's brief includes a statement that claims 1-26 do not stand or fall together . . ." (EA2) is wrong, but the statement that the brief "provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8) [why the claims are separately patentable]" (EA2) is partially correct. The Grouping of Claims should be consistent with the Arguments section to prevent misunderstandings. Nevertheless, the examiner addressed all of the claims in the final rejection, so the claims actually argued will be addressed.

Anticipation

Claims 1 and 6

Claim 6 is an apparatus version of claim 1. The examiner finds (FR2-3):

**Regarding claim 6,** Widmark discloses providing individual subscriber services in a cellular mobile communications network. In addition, Widmark discloses a base station (704) connected to a public switched telephone network (709), the base station (704) comprising, "a transceiver (905) receiving a call request from a wireless station (701)", as exhibited in figure 8, step 801; "a memory (718) containing a database, the database containing

dialing instructions for the wireless station (701) for rapidly-established [sic] a telephone connection through the public switched telephone network (709) to a destination station (702); and a call processor responsive to the call request by accessing the database and dialing [a] call for a rapidly-established telephone connection through the public switched telephone network to the destination station (702) based on the dialing instructions for the wireless station (701)", as exhibited in figure 8, steps 802-804.

The method of claim 1 is considered inherent from the apparatus of claim 6 (FR7).

Appellants argue that Widmark is not concerned with creating a rapidly-established telephone connection through a PSTN, but is concerned with rapidly incorporating new supplementary services into a mobile telecommunications system (Br7). Appellants further argue that Widmark is silent regarding how rapidly a telephone connection is made through a PSTN because Widmark is directed to eliminating unproductive routing loops, i.e., extra connections and points of decision-making in the routing of the connection (Br7-8). In view of this, appellants submit that Widmark also does not disclose a method having the step of dialing a call for a rapidly-established telephone connection through the PSTN to the destination station based on the dialing instructions for the wireless station (Br8-9).

The rejection could be better explained, especially with respect to the examiner's reliance on figure 8. Nevertheless, we understand the rejection to be based on the description of "short number" dialing of a private numbering plan subscribed to by a

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user described in connection with figure 8 at column 12, lines 19-57. The Home Location Register (HLR) 718 stores a database that translates the short number, which corresponds to the "request for a call," into a full number suitable for routing the call in the network (col. 12, lines 39-45), which is considered "dialing instructions for the wireless station for a rapidly-established telephone connection through a public switched telephone network to a destination station." Claims 1 and 6 do not preclude the use of a short number as the "request for a call" for obtaining the dialing instructions. The Mobile services Switching Center (MSC) 704 uses the full number and the roaming number to route the call (col. 12, lines 54-57), which is "dialing a call for a rapidly-established telephone connection through the public switched telephone network to the destination station based on the dialing instructions for the wireless station." The call is rapidly established because the HLR 718 provides the full number. Appellants have not shown error in the rejection. The rejection of claims 1 and 6 is sustained.

Claims 2-5, 7-10, and 11-18

Dependent claims 2 and 7, and independent claims 11 and 15, contain the method or apparatus limitations of claims 1 or 6 and further recite using "a predetermined routing path through the public switched telephone network based on the dialing instructions for the wireless station." The "predetermined

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routing path" appears to be the equivalent of prior art dedicated leased lines, but without their expense and disadvantages.

The examiner finds that a predetermined routing path is disclosed at column 12, lines 54-57, and figures 7 and 8 (FR5).

Appellants argue that the call routing information in Widmark is not a predetermined routing path through a telephone network, but is information that is used for efficiently routing the call (Br9).

The full number and the roaming number are used to route the call (col. 12, lines 54-57), but the routing path shown in figure 7 is not necessarily a "predetermined" routing path as claimed. The routing path could change with each call. The anticipation rejection of claims 2, 7, 11, and 15, and their dependent claims 3-5, 8-10, 12-14, and 16-18, is reversed.

#### Claims 19-24

Independent claims 19 and 22 recite the method or apparatus limitations of claims 1 or 6 and further recite receiving voice signals when the request for a call is received, storing the voice signals, and transmitting the stored voice signals to the destination station when the call is connected. This reduces waiting time for the user, especially for short conversational purposes (spec. at 6, lines 1-5).

The examiner refers to column 10, lines 27-35 (FR4).

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Appellants argue that Widmark is silent regarding receiving, storing, and transmitting stored voice signals when the call is connected (Br14).

The examiner finds that "Widmark discloses a call connected to the destination through the PSTN receiving a prompt to state whether this is an 'important call' or not, as disclosed [in] column 7, line 60 through column 8, line 10" (EA3-4).

The voice messages described at column 7, line 60 to column 8, line 10, and column 10, lines 27-35, are generated by the system from a number of stored voice messages and are not voice signals received from a user when the request for a call is received. Thus, claims 19 and 24 are not anticipated. The rejection of claims 19 and 22, and their dependent claims 20, 21, 23, and 24, is reversed.

#### Claims 25 and 26

Independent claims 25 and 26 recite the method or apparatus limitations of claims 1 or 6 and further recite "establishing a connection for the call that is time-shared with other wireless stations." The specification discloses that a predetermined connection path may be shared by a plurality of users on a time-sharing basis where specific times are scheduled for each user (spec. at 6, lines 5-7).

The examiner finds that a time-shared connection is shown in figure 7 (FR6).

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Appellants argue that Widmark does not disclose establishing a connection for the call that is time-shared with other wireless stations (Br16).

Widmark is silent about establishing a connection that is time-shared with other wireless stations. Figure 7 merely shows a connection for one call, but does not explicitly or implicitly disclose that the same connection can be time-shared. The rejection of claims 25 and 26 is reversed.

## CONCLUSION

The rejection of claims 1 and 6 is sustained.

The rejection of claims 2-5 and 7-26 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS  
Administrative Patent Judge

LEE E. BARRETT  
Administrative Patent Judge

~~LANCE~~ LEONARD BARRY  
Administrative Patent Judge

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